

Rasmussen

Application No. 09/339,958

30. The field emission display of claim 10, wherein the PrMnO_3 has a high molar ratio of praseodymium to manganese.

31. The field emission display of claim 10, wherein particles of the PrMnO_3 have an average size of 2 micrometers.--

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Non-elected claims 15-27 are canceled without prejudice or disclaimer. Applicant reserves the right to file a continuing application directed to the subject matter of these non-elected claims prior to the termination of proceedings in this application or any continuing application based thereon.

Claim 1 was rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Haven (U.S. Patent No. 5,650,690). While not acquiescing in this rejection, claim 1 has been amended to incorporate the subject matter of original claim 2. Accordingly, the rejection of claim 1 as anticipated by Haven is moot.

Claims 1, 3-10, and 12-14 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Cathey *et al.* (U.S. Patent No. 6,255,772). While not acquiescing in this rejection, claims 1 and 10 have been amended to incorporate the subject matter of claims 2 and 11, respectively. Accordingly, this rejection is believed to be moot.

Claims 2 and 11 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Cathey *et al.* As noted above, the subject matter of these claims has been incorporated into claims 1 and 10, respectively. It is respectfully submitted that Cathey *et al.* does not render obvious the use of praseodymium-manganese oxide as a black matrix material. Although the office action acknowledges that Cathey *et al.* does not disclose the use of praseodymium-manganese oxide as a black matrix material, it is alleged that "it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use of improving image contrast of the device." This conclusory statement does not establish obviousness. As the Court of Appeals for the Federal Circuit explained in *Al-Site Corp. v. VSI International, Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999), the level of skill in the art is a prism or lens through which the prior art and the claimed invention are viewed.

This reference point prevents [the deciders of obviousness] from using their own insight or, worse yet, hindsight, to gauge obviousness. Rarely, however, will the skill in the art component operate to supply missing knowledge or prior art to reach an obviousness judgment. [cited omitted] Skill in the art does not act as a bridge over gaps in substantive presentation of an obviousness case, but instead supplies the primary guarantee of objectivity in the process.

Id. at 1171.

There is no objective evidence in the record to support the conclusion of obviousness proposed in the office action and a generalized reference to the skill of a worker in the art is not a surrogate for such evidence. For at least these

Rasmussen

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reasons, claims 1 and 10 and the claims that depend therefrom are believed to be allowable.

New claims 28-31 are added for the Examiner's consideration. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added. *See, e.g.,* page 16 of the specification. These new claims depend from claims 1 and 10 and are believed to be allowable by virtue of this dependency. Further, the subject matter of these new claims is not taught or suggested by the applied references. For this additional and independent reason, claims 28-31 are believed to be allowable.

The pending claims are believed to be allowable and early notification to this effect is respectfully requested.

Respectfully submitted,

Nixon & Vanderhye P.C.

A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

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Version marked to show changes made

Claims 1 and 10 have been amended as follows:

1. (Amended) A flat panel field emission display comprising:
a screen having a phosphor coating;
an emission source opposite said screen which selectively excites portions of said phosphor coating to generate visible light; and
a black matrix provided on said screen, said black matrix being formed from praseodymium-manganese oxide [of a substantially insulative material].

10. (Amended) A flat panel field emission display, comprising:
a faceplate including a screen, phosphors provided on said screen, and a black matrix provided on said screen;
a baseplate assembly including a plurality of electron emission cathode tips arranged in an array and a low potential extraction grid;
wherein said black matrix is formed from PrMnO₃ [a substantially insulative material].